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July 12, 1995

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William F. Caton, Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

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JUL 12 1995

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

**RE: PROPOSED AMENDMENT TO FM TABLE OF ALLOTMENTS
ALLOCATION OF CHANNEL 230C TO FAYETTE, MO.
MM DOCKET NO. 95-73; RM 8568**

Dear Mr. Caton:

Transmitted herewith for filing on behalf of Big Country of Missouri are an original and four copies of its Comments in Support of Notice of the referenced Proposed Rule Making.

If any further information is required, please contact the undersigned at the Pittsburgh office address shown above.

Very truly yours,


Frederick A. Polner

FAP/mdo

Enclosures

43994-8

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BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of:)
)
Amendment of Section 73.202(b)) MM Docket No. 95-73
Table of Allotments) RM-8568
FM Broadcast Station)
(Boonville and Fayette, Missouri))

DOCKET FILE COPY ORIGINAL

TO: Chief, Allocations Branch, Policy and Rules Division

COMMENTS IN SUPPORT OF NOTICE OF PROPOSED RULE MAKING

BIG COUNTRY OF MISSOURI, licensee of Station KTLH, Boonville, Missouri, ("Petitioner") by and through its undersigned counsel, FREDERICK A. POLNER, ESQUIRE, and ROTHMAN GORDON FOREMAN & GROUDINE, P.C., hereby respectfully submits its Comments in Support of Notice of Proposed Rule Making in the captioned proceeding. It is respectfully requested herein that, good cause having been shown therefor, the Chief, Allocations Branch of the Federal Communications Commission ("Commission") grant said Notice of Proposed Rule Making in the captioned matter, released June 1, 1995, (hereafter the "NPRM"), and adopt the allotment plan proposed therein. In support whereof, it is averred that:

1. In its Petition for Rule Making in this proceeding (which Petition the Petitioner incorporates herein by reference), the Petitioner requests the reallocation of Channel 230A from Boonville to Fayette, Missouri and the upgrade of Channel 230 presently assigned to KTLH from a Class A to a Class C3 station. The NPRM proposed adoption this plan.

2. The amendment to the FM Table of Allotments requested by the Petitioner and proposed in the NPRM is as follows:

CHANNEL NO.

<u>City</u>	<u>Present</u>	<u>Proposed</u>
Boonville, Missouri	230A, 257C2	257C2
Fayette, Missouri	--	230C3

3. As further set forth in the Petitioner's Petition for Rule Making, the reallocation of Channel 230 to Fayette and the modification of KTLH's license would serve the public interest by maximizing the efficient use of the electromagnetic spectrum, yielding an overall allotment plan superior under the Commission's allotment priorities to the presently existing allotment.

4. In the NPRM, the Chief, Allocations Branch, requests Petitioner to provide (1) information showing the areas and populations which will receive new service and the areas and populations which will lose existing service if the NPRM is adopted; and (2) the number of reception services now available within the gain and loss areas (at ¶ 3). In answer to such inquiry, reference is invited to the Engineering Statement already filed on behalf of Petitioner, a copy of which is attached and made part of these Comments. An analysis of the gain/loss areas and populations may be found at Table 1.1 and Figure 1.1 of the Engineering Statement. A net gain area of 2342 km² is predicted; and, a net gain in population of 49,717 persons is predicted. It should be noted that the entire area encompassed by the existing and proposed contours, specifically including the loss and gain

areas, is well served, receiving five or more fulltime aural services.

5. It is respectfully submitted, therefore, that grant of the NPRM and adoption of the allotment plan proposed therein is consistent with the public interest, convenience and necessity.

6. If Channel 230C3 is reallocated to Jefferson City, Missouri, and the requested modification to KTLH is granted as requested herein, Petitioner reaffirms hereby its commitment to promptly upgrade its facility for this new allotment.

WHEREFORE, good cause having been shown, Petitioner respectfully requests that the NPRM be granted; that the Commission's rules be amended to reallocate Channel 230 from Boonville to Fayette, Missouri, and Station KTLH be upgraded from a Class A to a Class C3 station.

Respectfully submitted,

BIG COUNTRY OF MISSOURI

By: 

Frederick A. Polner

Its Attorney

ROTHMAN GORDON FOREMAN
& GROUDINE, P.C.
Third Floor, Grant Building
Pittsburgh, PA 15219
(412) 338-1111

July 12, 1995

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of:)
)
Amendment of Section 73.202(b)) RM- _____
Table of Allotments)
FM Broadcast Station)
(Boonville and Fayette, Missouri))

TO: Chief, Allocations Branch, Policy and Rules Division

PETITION FOR RULE MAKING

BIG COUNTRY OF MISSOURI, INC., permittee of FM broadcast Station KTLH, ("Petitioner") by and through its undersigned counsel, FREDERICK A. POLNER, ESQUIRE, and ROTHMAN GORDON FOREMAN & GROUDINE, P.C., hereby respectfully petitions the Federal Communications Commission ("Commission") to issue a notice of proposed rule making to amend Section 73.202(b) of the Commission's rules to reallocate Channel 230A from Boonville, Missouri to Fayette, Missouri and to allow Petitioner to upgrade the facilities of KTLH from a class A to a class C3 facility and to specify Fayette, Missouri as its new community of license. In support of its request, Petitioner offers the following:

1. Channel 230A currently is allotted to Boonville, Missouri. Petitioner proposes the reallocation of Channel 230A from

Boonville, Missouri to Fayette, Missouri and to allow Petitioner to upgrade the facilities of KTLH from a class A to a class C3 and to specify Fayette, Missouri as its new community of license.

2. Petitioner seeks modification of station KTLH's operating authority pursuant to the provisions of Section 1.420(i) of the Commission's Rule which permits the modification of a station's operating authority to specify a new community of license without affording other interested parties an opportunity to file competing expressions of interest.

3. Attached hereto as Exhibit No. 1 and incorporated herein by reference, is the Technical Statement In Support of Petition For Rulemaking, prepared on behalf of Petitioner by Carl E. Smith Consulting Engineers (the "Technical Statement"). As demonstrated in the Technical Statement, if Channel 230C3 were to be allotted to Fayette, Missouri, it would be short spaced to the present operation of KTLH. Therefore, the use of Channel 230 at Fayette, Missouri would be mutually exclusive with its use at Boonville, Missouri. This showing of mutual exclusivity satisfies the requirement of Section 1.420(i) discussed in the preceding paragraph. Channel 230C3 can be allotted to Fayette, Missouri, at the transmitter site described in the Technical Statement in a manner that complies with the Commission's requirements, and creates a preferred allotment plan under the Commission's allotment priorities.

4. The allotment of Channel 230C3 to Fayette would serve the public interest by providing a first local aural transmission service to Fayette, Missouri. Boonville, Missouri would not lose its sole local aural transmission service, as it would continue to receive transmission service from KWRT-AM and KLLR-FM, both licensed to Boonville. Thus, grant of the within Petition would yield an overall allotment plan superior under the Commission's allotment priorities to the presently existing allotment.

5. Both Fayette and Boonville, Missouri are small communities. Fayette, Missouri has a population of 2,888 and is not located within an Urbanized Area. Boonville, Missouri, with a population of 7,095, will continue to be well served by the already existing AM and FM facilities licensed to that community.

6. Petitioner therefore respectfully requests that the Commission issue a Notice of Proposed Rule Making to amend Section 73.202(b) of the Rules as follows:

73.202 TABLE OF ALLOTMENTS

(b) Table of FM Allotments

<u>City</u>	CHANNEL NO.	
	<u>Present</u>	<u>Proposed</u>
Boonville,	230A; 257C2	257C2
Fayette	--	230C3

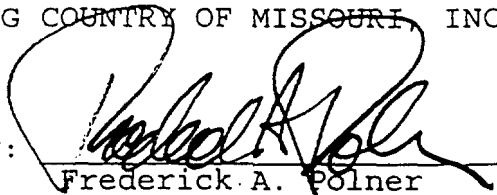
7. If Channel 230C3 is allotted to Fayette, Missouri as requested herein, Petitioner promptly will upgrade its facility for this new allotment.

WHEREFORE, Petitioner respectfully requests that the Commission's rules be amended in the manner described above.

Respectfully submitted,

BIG COUNTRY OF MISSOURI, INC.

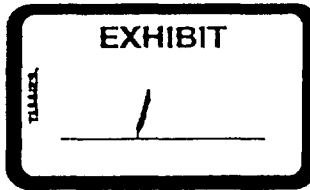
By:


Frederick A. Polner

Its Attorney

ROTHMAN GORDON FOREMAN
& GROUDINE, P.C.
Third Floor, Grant Building
Pittsburgh, PA 15219
(412) 338-1111

December 2, 1994



ENGINEERING EXHIBIT E-3

ENGINEERING STATEMENT IN
SUPPORT OF PETITION
FOR RULEMAKING

CHANNEL 230C3 - FAYETTE, MO
Big Country of Missouri, Inc.
Boonville, MO

November 11, 1994

Prepared for: Mr. Richard L. Billings
Big Country of Missouri, Inc.
2401 Industrial Drive
Columbia, MO 65201

CARL E. SMITH CONSULTING ENGINEERS

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Channel 230C3 - Fayette, MO

Fig. 1.1 - Present and Proposed
1 mV/m Contours

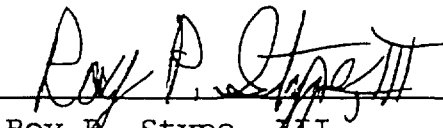
Table 1.1 - KTLH Area and Population

ENGINEERING AFFIDAVIT

State of Ohio)
) ss:
County of Summit)

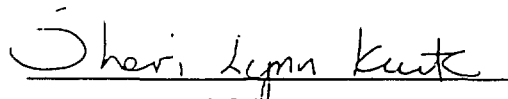
Roy P. Stype, III, being duly sworn, deposes and states that he is a graduate Electrical Engineer, a qualified and experienced Communications Consulting Engineer whose works are a matter of record with the Federal Communications Commission and that he is a member of the Firm of "Carl E. Smith Consulting Engineers" located at 2324 North Cleveland-Massillon Road in the Township of Bath, County of Summit, State of Ohio, and that the Firm has been retained by Big Country of Missouri, Inc., to prepare the attached "Engineering Exhibit E-3."

The deponent states that the Exhibit was prepared by him or under his direction and is true of his own knowledge, except as to statements made on information and belief and as to such statements, he believes them to be true.



Roy P. Stype, III

Subscribed and sworn to before me this 11th day of **November**, 1994.



Notary Public

SHERI LYNN KURTZ, Notary Public
For the State of Ohio
My Commission Expires June 14, 1995
Recorded in Summit County

/SEAL/

ENGINEERING STATEMENT

This engineering exhibit is prepared on behalf of Big Country of Missouri, Inc., permittee of construction permit BPH-920715MA for new FM station KTLH - Boonville, Missouri. KTLH has filed a license application (BLH-940722KC) and is presently operating under program test authority pursuant to Section 73.1620 of the FCC Rules. This engineering exhibit supports a petition to amend the FM Table of Allotments to upgrade KTLH to a Class C3 facility and change its community of license to Fayette, Missouri. The data contained in this exhibit shows that it is possible to substitute Channel 230C3 in Fayette for Channel 230A in Boonville for use by KTLH.

The geographic coordinates for Fayette are:

NL - 39° 08' 30"

WL - 92° 41' 00"

This places Fayette within Zone II, as defined by Section 73.205(c) of the FCC Rules. Accordingly, as outlined in Section 73.210(a) of the FCC Rules, the allotment of a Class C3 channel to Fayette is permitted. The studies contained in this exhibit were conducted from a site 19.1 kilometers east-southeast of Fayette. The geographic coordinates of this site are:

NL - 39° 05' 00"

WL - 92° 28' 30"

This site also falls within Zone II, permitting the operation of a Class C3 facility from this site.

Table 1.0 is an FM allocation study for Channel 230C3 from the site described above. An examination of this table shows that operation on Channel 230C3 from this site would be short

spaced to the present operation of KTLH on Channel 230A. This short spacing will not pose any problems since this channel will be deleted if Channel 230C3 is allotted to Fayette, as proposed herein. Furthermore, under the provisions of Section 1.420(g) and 1.420(i) of the FCC Rules, this conflict with the existing operation of KTLH will permit the license of KTLH to be modified to specify operation on Channel 230C3 in Fayette, regardless of other expressions of interest which might be received.

Figure 1.0 is a map exhibit showing the predicted 3.16 (city grade) contour from the site specified above for Channel 230C3 in Fayette. This contour was projected assuming maximum Class C3 facilities of 25 kilowatts effective radiated power at 100 meters above terrain utilizing terrain data from the NGDC 30 second terrain database. As shown in this figure, it will be possible to provide city grade service to all of Fayette on Channel 230C3 from a site which will meet all of the spacing requirements to other facilities requiring consideration.

It should be noted that Fayette (population 2888¹) presently has no local radio service and is not located within an Urbanized Area. Thus, the proposal outlined herein would provide Fayette with its first local service, advancing the FCC's allotment priorities. Furthermore, the deletion of Channel 230A would not deprive Boonville (population 7095) of its only local service, as there are two other facilities (KWRT(AM), KCLR-FM) presently licensed to serve Boonville.

¹All population data in this exhibit is extracted from the 1990 U.S. Census.

Figure 1.1 is a map exhibit showing the predicted 1 mV/m contour for Channel 230C3 in Fayette for operation with maximum Class C3 facilities from the coordinates outlined above. This figure also shows the predicted 1 mV/m contour for the present KTLH operating facilities. Table 1.1 presents detailed data on the present and proposed populations and areas, as well as the loss and gain areas. It should be noted that the entire area encompassed by these contours, including the loss and gain areas, is well served, receiving five or more fulltime aural services.

In summary, Channel 230C3 can be allotted to Fayette, Missouri, in place of the present allotment of Channel 230A to Boonville, Missouri, to permit the KTLH operating facilities to be upgraded.

TABLE 1.0

FM ALLOCATION STUDY - CHANNEL 230C3 (93.9 MHz) - FAYETTE, MO

 BIG COUNTRY OF MISSOURI, INC.
 BOONVILLE, MO

STUDY COORDINATES: 39/05/00 92/28/30

STATION	LOCATION	CHANNEL	CLASS	SPACING (km)	REQUIRED SPACING*	NOTES
-----	-----	-----	-----	-----	-----	-----
KNSX	Steelville, MO	227	C1	122.40	76.0	7
KMXV	Kansas City, MO	227	C	176.04	96.0	
KYLC	Osage Beach, MO	228	C3	88.20	43.0	5, 10
KYLC	Osage Beach, MO	228	A	107.86	42.0	4
BPH890725MF	Warsaw, MO	229	A	113.02	89.0	4, 6
KTUF	Kirkville, MO	229	C2	122.70	117.0	
KSDFM	St. Louis, MO	229	C1	194.70	144.0	
KTLH	Boonville, MO	230	A	13.93	142.0	2, 3, 9
KSPQ	West Plains, MO	230	C1	236.20	211.0	
KIXQ	Webb City, MO	230	C2	270.95	177.0	
WESZ	Lincoln, IL	230	B1	273.85	175.0	2, 5
KPCRFM	Bowling Green, MO	231	C3	116.21	99.0	
92-214	Leasburg, MO	231	A	152.52	89.0	7
92-214	Bourbon, MO	231	A	154.00	89.0	7
KFKFFM	Kansas City, KS	231	C	176.04	176.0	
KZMOFM	California, MO	232	A	50.49	42.0	4
KZMOFM	California, MO	232	C2	62.41	56.0	5, 6
KZMOFM	California, MO	232	C2	72.25	56.0	5, 10
KZMOFM	California, MO	232	C1	91.01	76.0	8
KQMX	Rolla, MO	232	A	138.83	42.0	4
KRXL	Kirkville, MO	233	C	128.79	96.0	
BPH920506ME	Doolittle, MO	283	A	136.21	12.0	1, 6
KRES	Moberly, MO	284	C	46.15	31.0	

* Required Spacing Per Section 73.207 of The FCC Rules

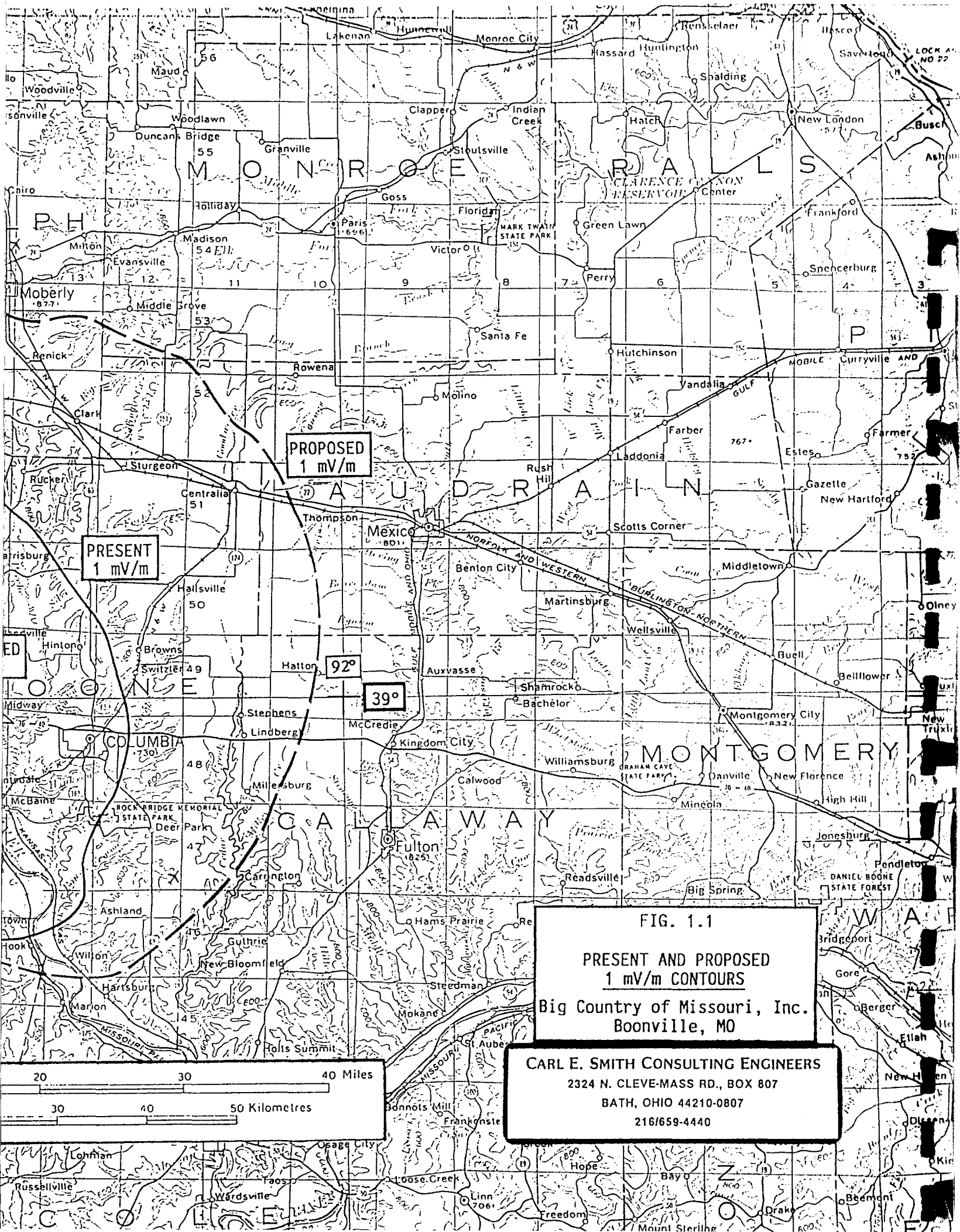
TABLE 1.0 (continued)

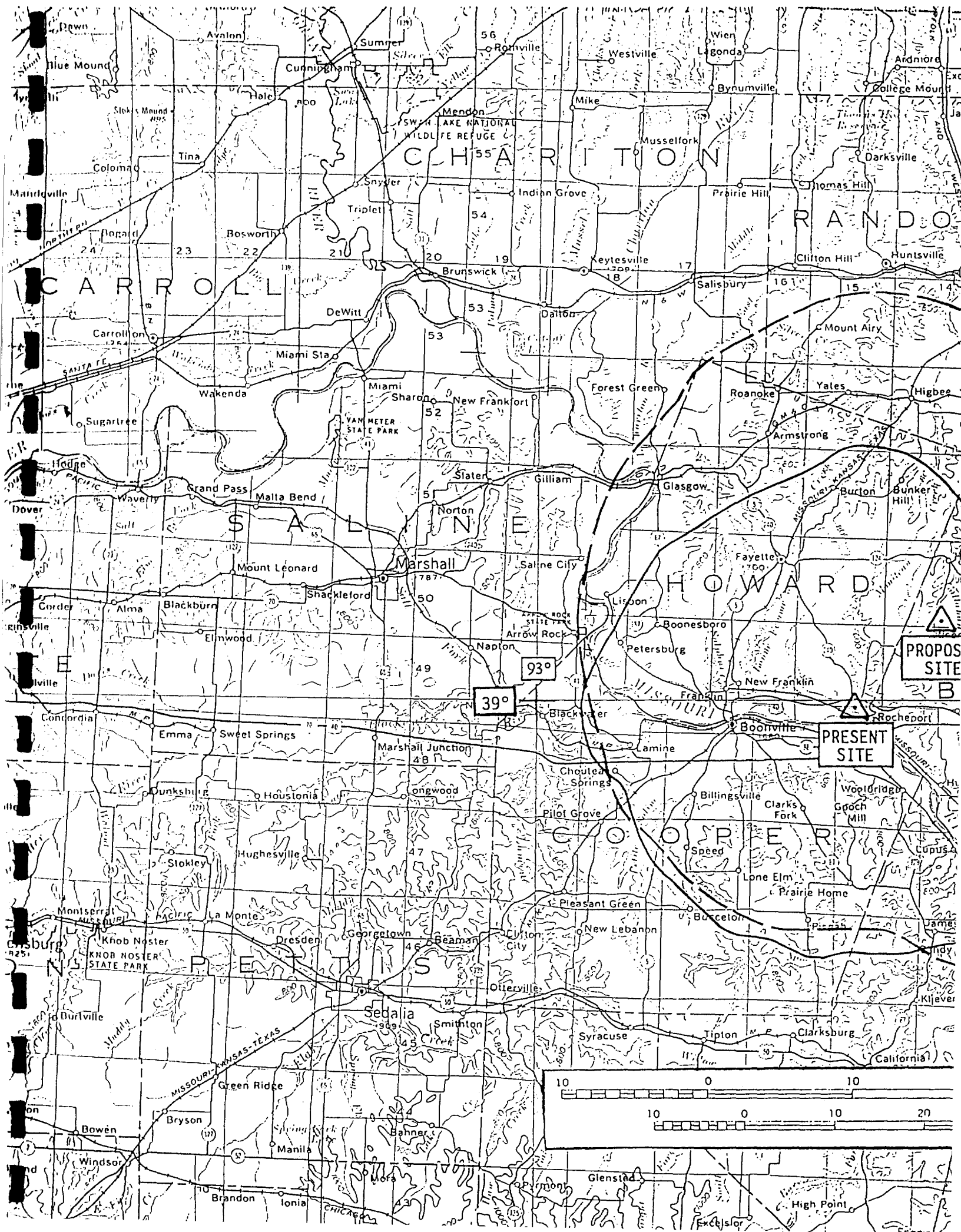
FM ALLOCATION STUDY - CHANNEL 230C3 (93.9 MHz) - FAYETTE, MO

BIG COUNTRY OF MISSOURI, INC.
BOONVILLE, MO

Notes:

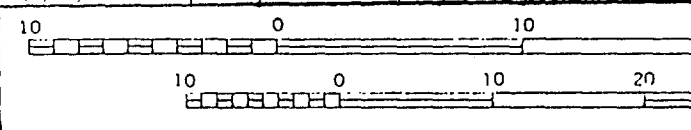
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|--------------------------------------|-------------------------|
| 1 - Applied For Under Section 73.215 | 6 - Pending Application |
| 2 - Construction Permit | 7 - Proposed Rulemaking |
| 3 - Channel Deletion Proposed | 8 - Rulemaking Petition |
| 4 - Move From This Channel Ordered | 9 - Short-Spaced |
| 5 - Move to This Channel Ordered | 10 - Vacant Allotment |

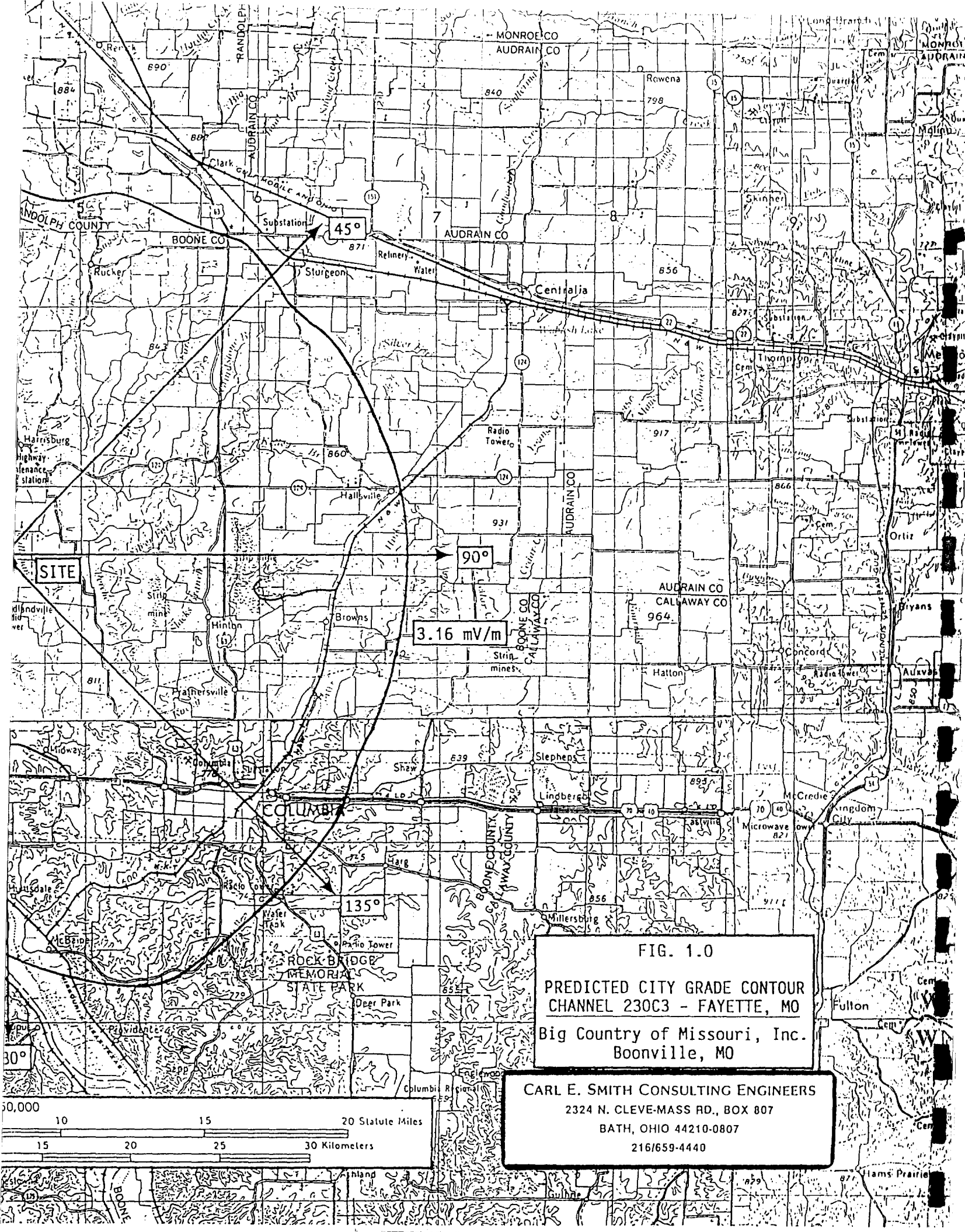




PROPOS
SITE

PRESENT
SITE





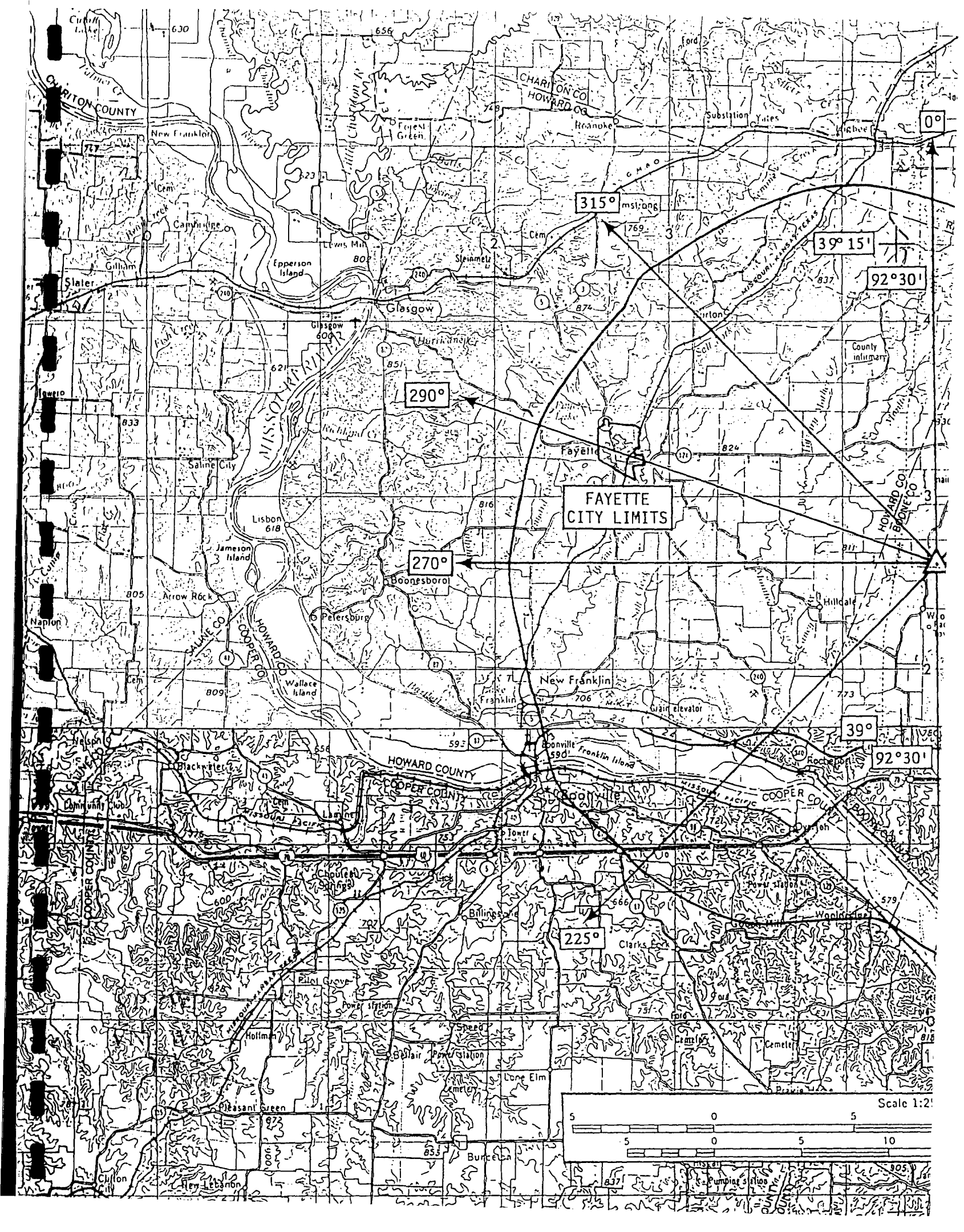


TABLE 1.1

KTLH AREA AND POPULATION
Big Country of Missouri, Inc.
Boonville, MO

	<u>Area</u> <u>(Square Kilometers)</u>	<u>Population</u> <u>(1990 Census)</u>
Present	2429	91,529
Gain	2422	49,966
Loss	80	249
Proposed	4771	141,246
Net Gain	2342	49,717